

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2547/2015

with

First Appeal (ST) No.3017/2013

with

Civil Application No.2548/2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. A. R. Patil, AGP for the State.

CORAM: K.K.TATED, J.
DATED : AUGUST 16, 2019

P.C.

1 Heard. By this Civil Application, the State of Maharashtra is seeking condonation of 64 days delay in filing the First Appeal challenging the judgment and award dated 03.07.2012 passed by the Civil Judge, Senior Division, Sindhudurg at Oros in LAR No.241/1997 (Old LAR No.47/1997) awarding additional compensation of Rs.24,714/- to the Respondent-Claimant in respect of the acquired land.

2 The learned AGP submits that they have good chance of success in the matter. He submits that in the interest of justice, this Hon'ble Court be pleased

to condone the delay in filing the First Appeal and matter be heard on merits.

3 It is to be noted that in the present proceedings the SLAO issued Notification u/s.4 of the said Act on 06.02.1992 for acquiring the Respondent claimant's land admeasuring 57R out of Sy.No.53 H.No.1 situate at village Bav, Tq. Kuddal, Dist. Sindhudurg-Oros for Konkan Railway Project. After following due process of law the SLAO declared Award u/s.11 of the said Act on 21.02.1994 and awarded compensation in respect of the acquired land. Being aggrieved by the said Award the Respondent-Claimant preferred the Reference u/s.18 of the said Act and claimed compensation to the tune of Rs.2,85,004/- as additional compensation.

4 The Reference Court, by the impugned judgment and award, awarded total additional compensation in respect of the the acquired land to the tune of Rs.24714/-.

5 It is to be noted that the Reference Court has awarded additional compensation amount which is meager.

6 The apex court in the matter of ***Airports Authority of India Vs. Satyagopal Roy & Ors. (2002) 3 SCC 527*** refused to interfere with the award on the ground that the compensation awarded was meager.

7 Considering the submissions made by the learned AGP for the Applicant and as the Reference Court has awarded meager amount of Rs.24,714/- in respect of the acquired land, I am of the opinion that it is not necessary to call the agriculturist in the high court to defend the present litigation. Therefore, only on the ground of meager amount the present application is liable to be dismissed.

8 Hence, following order is passed:

- a. The Civil Application stands dismissed.
- b. Registration of the First Appeal (ST) No.3017/2013 stands rejected
- c. Civil Application No.2548/2015 for stay does not survive.

- d. Refund of Court Fees.
- e. Hence, the same stands dismissed as infructuous.
- f. This order shall not be treated as precedent in any other similar matter because, this order is passed only on the ground of meager amount awarded by the Respondent-Claimant.

(K.K.TATED, J.)